

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **December 10, 2002**

AGENDA ITEM NO.: **11**

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Public Hearing Regarding Vacating a Portion of Public Right-of-Way at the Corner of Clay and Twelfth Streets, and the Donation of Any Residual Interest in this Right-of-Way to the Lynchburg Redevelopment and Housing Authority (LRHA)

RECOMMENDATION:

Adopt an ordinance vacating a portion of public right-of-way at the corner of Clay and Twelfth Streets, and approving the donation and conveyance of any residual interest the City might have in this vacated right-of-way to the Lynchburg Redevelopment and Housing Authority.

SUMMARY:

The General Services Administration (GSA) and the U. S. Postal Service (USPS) have entered into a Memorandum of Understanding whereby the USPS agreed to acquire 1101 Court Street, a 1.9 acre, one-block parcel currently owned by the LRHA, for the purpose of developing a newly constructed courthouse and post office. This project will require that a portion of public right-of-way at the corner of Clay and Twelfth Streets be vacated in addition to the City agreeing to donate and convey any residual interest that it might have in this vacated right-of-way to LRHA. The Technical Review Committee comments have been incorporated into the ordinance.

PRIOR ACTION(S):

December 3, 2002: Technical Review Committee Review
December 3, 2002: Physical Development Committee Review

BUDGET IMPACT:

None

CONTACT(S):

Kimball Payne 847-1443/223
Pat Kost 847-1443/228

ATTACHMENT(S):

- † Ordinance
- † Map
- † Technical Review Committee Report

REVIEWED BY: lkp

AN ORDINANCE VACATING A PORTION OF PUBLIC RIGHT-OF-WAY AT THE CORNER OF CLAY AND TWELFTH STREETS, AND APPROVING THE DONATION AND CONVEYANCE OF ANY RESIDUAL INTEREST THE CITY MIGHT HAVE IN THIS VACATED RIGHT-OF-WAY TO THE LYNCHBURG REDEVELOPMENT AND HOUSING AUTHORITY

WHEREAS, the City of Lynchburg, on its own motion, is proposing to vacate a portion of public right-of-way at the corner of Clay and Twelfth Streets; and

WHEREAS, all of the adjoining property owners are in agreement to the vacation of this portion of public right-of-way; and

WHEREAS, City Council finds that no public inconvenience will result from vacating this portion of public right-of-way;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lynchburg, on its own motion, and in accordance with the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 36-77 of the City Code, 1981, as amended, the following described portion of public right-of-way be, and the same hereby is, discontinued and vacated, namely:

Beginning at the southwestern corner of Tax Map No. 24-68-003 at a punch hole set, thence N 28° 47' 20" W 24.67 feet to a punch hole found; thence on a curve with a radius of 25.00 feet with a chord bearing of S 73° 24' 50" E and a chord of 35.12 feet to a punch hole found; thence S 61° 57' 40" W 24.67 feet to the point of beginning, being 0.003 acre.

Provided, however, that an easement to locate, relocate, repair, replace, maintain and perpetually operate all utilities and public uses currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg, and the construction of any building or structure or the use of the vacated property in any manner that could interfere with the City's right to locate, relocate, repair, replace and maintain and perpetually operate utilities is prohibited without the prior written approval of the City Manager's Office, City Utilities Division and the City Engineering Division.

BE IT FURTHER ORDAINED That the Clerk of Council is hereby authorized and directed to deliver a duly-certified copy of this ordinance to the Clerk of the Circuit Court for the City of Lynchburg so that said certified copy of this ordinance may be recorded as deeds are recorded and indexed in the name of the City of Lynchburg.

BE IT FURTHER ORDAINED That the Council of the City of Lynchburg does hereby approve the donation and conveyance of any residual interest the City might have in this vacated right-of-way to the Lynchburg Redevelopment and Housing Authority in support of the new courthouse and post office project.

Adopted:

Certified: _____
Clerk of Council

239P



The City of Lynchburg, Virginia

CITY HALL, LYNCHBURG, VIRGINIA 24505 • (804) 847-1508
FAX • (804) 845-7630

PLANNING DIVISION

November 22, 2002

TO: Patricia W. Kost, Clerk of Council

FROM: Annette M. Chenault, Planner II *Annette Chenault*

RE: Street Vacation – Portion of Twelfth Street; Corner of Twelfth and Clay Streets
TRC Review: December 3, 2002

On December 3, 2002 the Technical Review Committee (TRC) reviewed the street vacation for a portion of Twelfth Street. Following are the comments:

1. The subject project proposes the vacation of a portion of Twelfth Street. Neal Wright, P.E. of Hurt & Proffitt, Inc., and MGA Partners have submitted an application to the City Manager's Office to vacate this right-of-way, and the matter is scheduled to be heard by City Council on December 10.
2. All lots fronting on the portion of Twelfth Street to be vacated have additional right-of-way frontage on Twelfth Street and meets applicable provisions of the Zoning Ordinance.
3. Will the two high-pressure hydrants be removed that are located on Clay Street on either end of the block on the side of the street where the project will take place? We are concerned that the water pressure to the other hydrants will be affected.
4. The plat indicates that a public sidewalk would be subdivided onto private property.
5. City records indicate that utilities and sidewalk are within the right-of-way. This right-of-way was deemed necessary by the City at an earlier date and we see nothing to indicate that it is no longer needed.
6. As there is a fire hydrant and possible a sewer line located in the small strip of the proposed vacation along Twelfth Street, an easement would most likely be needed for the sewer and water.
7. If the stone retaining wall is removed, the Streets Division should recover the historical stone.

Attachment

pc: Technical Review Committee